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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,687	08/24/2001	Boris Liberman	P-6126-US	3389
49443	7590	11/10/2005		
PEARL COHEN ZEDEK, LLP 10 ROCKEFELLER PLAZA SUITE 1001 NEW YORK, NY 10020			EXAMINER LIANG, LEONARD S	
			ART UNIT 2853	PAPER NUMBER

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EL

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/935,687	Applicant(s) LIBERMAN, BORIS	
	Examiner Leonard S. Liang	Art Unit 2853	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 7 and 12.
Claim(s) rejected: 1-6 and 11.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

MANISH S. SHAH
PRIMARY EXAMINER


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Continuation of 3. NOTE: The amendments to the claims require further consideration because they limit the scope of the claims. This is despite the fact that the applicant claims that they don't affect the scope of the claims.

Continuation of 11. does NOT place the application in condition for allowance because: the arguments are not persuasive, especially in view of the applicant's narrow interpretation of the claims. The applicant argues that a printing plate is not "a substrate to be printed on". This argument is confusing to the examiner because Wright clearly teaches holding a printing plate for the purposes of printing on it. The examiner suspects that the applicant is narrowly interpreting the word "substrate". Next, the applicant argues that the saddle is not a static support structure because it moves. However, the examiner is interpreting the saddle as being static in relation to the plate it holds as well as in relation to itself (it does not change shape). Finally, the applicant argues that there is no feeding relative to the holding device, so there cannot be a tension along a feed path. A few things can be said about this. First, the claimed invention does not disclose a feed path relative to the holding device, it only discloses a feed path. Therefore, feeding can also be construed either as the manual act of placing the print plate on the saddle or the act of moving the print plate along with the saddle. Second, the examiner would like to clarify the language "a convex profile in a plane perpendicular to a longitudinal axis..." This language is somewhat indefinite in that it is not clear how a convex profile can be contained in a single plane. After all, a curve is not a plane. However, the reason that the examiner did not issue a 112 rejection in regards to this limitation was because the claimed plane was interpreted simply as the flat plane that runs tangent to the top surface of the curve. Based on this interpretation, every tension direction is parallel to this plane. If this is not the interpretation taken by the applicant, then clarification will be needed as to how a convex profile can fit in a single plane. Furthermore, it should be noted that though there is a claimed feed path, the rest of the claimed invention gives absolutely no disclosure to a feeding apparatus or a mechanism for feeding. Therefore, the term "feed path" is viewed more as an intended use limitation and not given as much weight.

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